IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY SEVENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE C.V.RAMULU**

**WRIT PETITION NO : 35269 of 1998**

Between:

Shaik Ali baba, S/o. Moulali,
R/o. Giddaloor, Prakasam District.

**..... PETITIONER**

AND

1 The Government of Andhra Pradesh , represented by its Secretary,
Panchayat Raj Department, Secretariat, Hyderabad.
2 Mandal Development officer M.P.D.O. office,
Giddaloor , Prakasam District.
3 District Development officer/C.E.O.,Ongole, Prakasam District.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction particularly one in the nature of writ of Mandamus declaring the action of the respondents in not regularizing the petitioner service as jeep driver as illegal, arbitrary, unconstitutional, null and void and consequently direct the respondents to regularize the service of the petitioner as regular Jeep driver by paying in appropriate Scales of pay with all consequential benefits on par with other regular Jeep drivers working in the said office with effect from initial appointment forthwith.

**Counsel for the Petitioner: MR.K.K.CHAKRAVARTHY**

**Counsel for the Respondent No.: GP FOR PANCHAYAT RAJ & RURAL DEV.**

**The Court made the following :**

**ORAL ORDER**:

This writ petition is filed seeking a Mandamus declaring the action of the respondents in not regularizing the services of the petitioner as Jeep Driver as illegal, arbitrary and unconstitutional.

It is the case of the petitioner that he was appointed as Jeep Driver in M.P.D.O. Office, Giddaloor on daily wage basis under the control of the respondents and has been working as such since 1.7.1993. He is fully qualified and entitled to be appointed on regular basis as Driver as per the provisions of G.O.Ms.No.212, F&P, dated 22.4.1994. Hence, the writ petition has been filed.

At the outset, it may be noticed that the service conditions of a Driver under the 2nd and 3rd respondents are governed by the Rules made under Article 309 of the Constitution of India. Therefore, the petitioner ought to have approached the A.P. Administrative Tribunal for seeking regularization of his services under G.O.Ms.No.212, dated 22.1.1994. Instead of that the petitioner attempted to file this writ petition.

In my considered opinion, this writ petition is not maintainable and therefore, it is dismissed, however, the interim order, dated 10.1.2003 passed by this Court in W.P.M.P.No.340 of 2003 shall continue for a period of four weeks from today. Meanwhile, the petitioner is at liberty to approach the A.P. Administrative Tribunal and seek appropriate relief. No order as to costs.

_____

(C.V. RAMULU, J.)

27th June,, 2005

bcj

To

1 The Government of Andhra Pradesh , represented by its Secretary, Panchayat Raj Department, Secretariat, Hyderabad.
2 Mandal Development officer M.P.D.O. office, Giddaloor , Prakasam District.
3 District Development officer/C.E.O.,Ongole, Prakasam District.

4 Two C.Cs. to the Government Pleader for Panchayat Raj and Rural Development, High Court Buildings, Hyderabad (OUT)

5 Two C.D. copies.